



# Forest Heights Police Department Policy and Procedures Manual

Subject:	Domestic Violence Disputes			
General Order No.	2016-1	Effective Date:	January 1, 2016	
Chapter: 17	Section: 1	Number of Pages:	4	Replaces: GO 2000-46
Original Issue: 01/01/16		Dates Revised:		

## A. Purpose

To provide guidance to Forest Heights Police Department (FHPD) officers who respond to domestic disputes.

## B. Policy

Officers responding to domestic disputes will arrest offenders when the law permits, document the incident and assist victims to the maximum extent possible.

## C. Definitions

1. ABUSE: means an act that causes, or places a person in fear of, serious bodily harm; assault; rape or sexual offense or an attempted rape of sexual offense; false imprisonment; or stalking.
2. COHABITANT: a person who had a sexual relationship with the respondent and resided with the respondent in the home for at least 90 days within one year before the filing of a petition.
3. DOMESTIC DISPUTE: any incident that may indicate a potential for abuse involving a current or former spouse; persons in an intimate relationship; relatives; or persons who reside together.
4. DOMESTIC VIOLENCE INCIDENT: abuse, property crimes or a violation of a protective order committed against a person with whom the suspect has had an intimate relationship.
5. INTIMATE RELATIONSHIP: a relationship between partners who are married, separated, or divorced, live or have lived together, have children in common; or date or have dated, but do not live together.
6. PERSONS ELIGIBLE FOR RELIEF: the current or former spouse or cohabitant of the respondent; a person related to the respondent by blood, marriage, or adoption; a vulnerable adult; an person who has a child in common with the respondent; or a parent, stepparent, child, or stepchild of the respondent or the person eligible for relief who resides or resided with the respondent or person eligible for relief for at least 90-days within one year before the filing of the petition.
7. RESPONDENT: the person alleged to have committed abuse.
8. VULNERABLE ADULT: an adult who lacks the physical or mental capacity to provide for his daily needs.

## D. Procedures

1. Arrests
  - a. When the law permits, officers should arrest domestic violence suspects, regardless of whether the victim wants the suspect arrested since the victim may fear the suspect.
  - b. An officer may arrest a suspect without a warrant if a report to the police was made within 48-hours of the alleged incident and the officer has probable cause to believe that:
    - (1) the suspect abused his spouse or another person with whom he resides;
    - (2) there is evidence of physical injury; and
    - (3) unless the suspect is immediately arrested, he may:
      - (a) not be apprehended;
      - (b) cause physical injury or property damage to another; or

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(c) tamper with, dispose of, or destroy evidence.

### **2. Mutual Assault / Dual Arrest**

- a. If an officer has probable cause to believe a mutual assault occurred, he will attempt to identify the primary aggressor before making a decision to arrest anyone.
- b. Maryland statute seeks to hold the primary aggressor accountable; therefore, if one person was the primary aggressor, that person should be arrested.
- c. In order to identify the primary aggressor, officer will:
  - (1) interview all parties involved;
  - (2) consider any history of violence (e.g., Incident Reports, Protective Orders);
  - (3) not necessarily rely on which party started a verbal argument, since verbal provocation is not cause for physical aggression; and
  - (4) evaluate any injuries sustained by the parties while considering the:
    - (a) degree, appearance, and type of injury;
    - (b) strength, size, and capability of each person to inflict injury, and
    - (c) fear displayed by each of the parties.
- d. The law requires officers to consider whether one of the parties acted in self-defense.
  - (1) A person can act in self-defense when:
    - (a) that person actually believed she/he was in immediate danger of bodily harm;
    - (b) that person's belief was reasonable; and
    - (c) that person used no more force than was reasonably necessary to defend herself/himself in light of the threatened or actual harm.
  - (2) Dual arrest is not appropriate when the investigation reveals a person struck and, If two people assaulted each other and neither acted in self-defense, the officer may arrest both, but cases of dual arrest should not occur frequently.

### **3. Investigation and Evidence Collection.**

Officers responding to a domestic violence incident will:

- a. identify and seize weapons and/or evidence;
- b. document "excited utterances" made in their presence;
- c. interview all witnesses, including children;
- d. take verbal and signed written statements from the victim, witnesses and suspect;
- e. photograph evidence (e.g., injuries, torn clothing, damaged property);
- f. consider making sketches of the crime scene;
- g. if necessary, accompany victim to the hospital to seize evidence or to obtain a statement;
- h. retrieve recording of phone calls to 911 or a police department; and
- i. if applicable and after conferring with the State's Attorney, request medical records.

### **4. Assisting the Victim.**

Officers responding to a domestic violence incident will:

- a. if appropriate, conduct a Lethality Screening as described in subsection 5. below;
- b. provide the victim and any witnesses with a Crime Victims and Witnesses Pamphlet specific for that jurisdiction;

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- c. note the Incident Report number on the pamphlet and explain the pamphlet to the person;
  - d. review Protective / Peace Orders rights with the victim, if the complainant is eligible to file for Protective or Peace Order,
  - e. when requested, assist the victim in obtaining transportation to the court and aid with filing for a Protective/Peace Order and/or criminal charges;
  - f. inquire if the victim wants to leave the residence and assist the victim with making the necessary arrangements;
  - g. provide the victim the telephone number and address of the local domestic violence advocate and encourage the victim to contact the advocate for guidance;
  - h. provide the victim with the name and phone number for the Domestic Violence Coordinator (DVC) and advise the victim that the DVC is always available;
  - i. advise the victim that a copy of the Incident Report will be provided at no cost and that it will be available at the FHPD within five business days, absent extenuating circumstances; and
  - j. notify the DVC via e-mail of the Incident details prior to the end of the shift so he can assume responsibility for the follow-up investigation.
5. Lethality Screening
- a. Officers will conduct a lethality screening for domestic violence incidents anytime they:
    - (1) believe an assault may have occurred;
    - (2) sense the victim's potential for danger is high;
    - (3) learn there is a history of domestic calls for service; or
    - (4) believe that a lethality screening should be conducted.
  - b. Officers conducting lethality screenings will:
    - (1) use the form, Domestic Violence Supplemental Report, for the screening;
    - (2) advise the victim if the responses meet the threshold for referral as indicated in Section 13 of the Form, the factors tend to predict homicide;
    - (3) a domestic violence hotline counselor if the responses meet the threshold or if the officer believes the victim is in a potentially lethal situation;
    - (4) encourage the victim to speak with the counselor;
    - (5) not jeopardize their safety or the safety of others in order to complete a lethality screening or to call to counselor;
    - (6) provide full assistance to the victim as outlined in subsection 4., above, should the victim choose not to speak with the counselor; and
    - (7) document the screening in the Incident Report per subsection 7., below.
6. Domestic Stand-By
- a. A person who alleges to have been a victim of abuse and who believes there is a danger of harm may request the assistance of the police for a domestic stand-by.
  - b. Officers responding for a domestic stand-by will:
    - (1) protect the person from harm; and
    - (2) accompany the person to the home so the person may remove the following items belonging to the person or a child in care of the person, regardless of who paid for the items:
      - (a) clothing; and
      - (b) personal effects, including medicine or medical devices, that the person or child needs immediately.

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- c. If the person is denied access to the family residence the officer will:
  - (1) if the complainant is eligible to file for Protective or Peace Order, review Protective / Peace Orders rights with the victim; and
  - (2) refer the person to the local domestic violence advocate for assistance and support and/or recommend the person seeks the advice of an attorney.
- 7. Documentation
  - a. Incident Reports will be completed for all for all domestic dispute and domestic violence incidents, regardless of whether a crime-occurred and may not be closed as a CAD Incident.
  - b. In addition to an Incident Report, a Form 246 will be completed for all domestic violence incidents which involve physical injury or assault, regardless of whether an arrest is made.
  - c. In addition to other required information, officers responding to domestic violence incidents will document the following in the narrative section of the Incident Report, if applicable:
    - (1) if the incident took place in the presence of a child;
    - (2) what assistance was offered to the victim;
    - (3) if the victim was given a Crime Victims and Witnesses Pamphlet;
    - (4) if a Form 246 was completed;
    - (5) if a lethality screening was conducted;
    - (6) if the required telephone call to a domestic violence counselor was made; and
    - (7) if an arrest was not made, an explanation of why the aggressor was not arrested.